

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (AT CINCINNATI)**

|   |   |                                     |
|---|---|-------------------------------------|
| PHYSICIANS HEALTHSOURCE, INC.,                | ) | Civil Action No.: 1:16-cv-00301-MRB |
| individually, and as the representatives of a | ) |                                     |
| class of similarly-situated persons,          | ) |                                     |
|   | ) | Judge: Michael R. Barrett           |
| Physicians Healthsource,                      | ) |                                     |
|   | ) |                                     |
| v.  | ) |                                     |
|   | ) | <b>ORDER GRANTING CERTIFICATION</b> |
| IPC, INC d/b/a PLATINUMCODE., and             | ) | <b>OF CLASS AND PRELIMINARY</b>     |
| JOHN DOES 1-10,                               | ) | <b>APPROVAL OF CLASS SETTLEMENT</b> |
|   | ) | <b>AGREEMENT</b>                    |
| Defendants.                                   | ) |                                     |

Upon consideration of Plaintiffs' Motion for Certification of Class and Preliminary Approval of Class Settlement Agreement, this Court **GRANTS** the Motion and **ORDERS** as follows:

- (1) Pursuant to Rule 23(a) of the Federal Rules of Civil Procedure, and by agreement and stipulation of the parties, the Court finds that (a) the class, which consists of 6,552 members, is so numerous that joinder of all members would be impractical; (b) there are questions of law and fact common to the class; (c) the claims of Physicians Healthsource ("the named Plaintiff") are typical of the claims of the class members; and (d) the named Plaintiff and their attorneys will fairly and adequately protect the interests of the class.
- (2) Pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure, and by agreement and stipulation of the parties, the Court finds that the questions of law or fact common to the class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.
- (3) In accordance with the previous findings, and by agreement and stipulation of the parties, this Court certifies a class as follows: "All persons or entities who successfully received the IPC Fax." Additionally, the Court finds that 6,552 persons or entities who are believed to have successfully received the IPC Fax are listed on a document captioned

'IPC000027' (attached as Exhibit B to the Settlement Agreement) and are, therefore, ascertainable.

- (4) In accordance with the previous findings, and by agreement and stipulation of the parties, the Court appoints Physicians Healthsource, Inc. as the representative of the Class and appoints Matthew E. Stubbs of Montgomery Jonson, LLP as counsel for the Class.
- (5) Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, and by agreement and stipulation of the parties, the Court additionally finds that the Settlement Agreement (Exhibit 1 to Motion for Class Certification and Preliminary Approval of Class Settlement Agreement) is fair, reasonable, and adequate and appears to be in best interests of the Class Members. Accordingly, the Settlement Agreement is preliminarily approved.
- (6) The proposed Notice of Class Action and Proposed Settlement (Exhibit C to the Settlement Agreement, which is Exhibit 1 to the Motion for Class Certification and Preliminary Approval of Settlement Agreement) is a reasonable and appropriate means of notifying the Class Members of this action and the proposed settlement. The Court further approves the plan of notice set forth in the Motion, which includes delivery of the Notice of Proposed Class Settlement via mail and fax.
- (7) A hearing on final approval will be conducted on November 15, 2019, at 1:00 p.m. (EST) in Courtroom 109 - Cincinnati before Judge Michael R. Barrett for the following purposes:
  - (a) to finally determine whether the proposed Class Settlement Agreement is fair, reasonable, and adequate;
  - (b) to determine an appropriate award of attorney fees; incentive award; and expenses;
  - (c) to determine the distribution of the Settlement Fund among the eligible Class Members;
  - (d) to hear any objections to the proposed Class Settlement Agreement and plan for distribution; and
  - (e) to rule upon such other matters as the Court may deem appropriate.

Dated: June 24, 2019

/s/Michael R. Barrett  
The Honorable Michael R. Barrett  
United States District Judge